

From: [Alan Bissett](#)
To: [Hutchinson, Peter](#)
Cc: [David Trethowan](#); [Stewart, Susan](#)
Subject: RE: Northern Ireland RHI - Draft Regulations
Date: 08 July 2011 13:25:00

Peter

Many thanks for this.

I would comment as follows in relation to the two dates referred to in Schedule 2 to the current draft of the NI RHI Regulations:

(i) Paragraph 1(2)(x)

Sustainability reporting for biomass was introduced into the Renewables Obligation (“RO”) in April 2009. I understand that the intention was to gather information ahead of the introduction of a potentially more rigorous EU-wide sustainability scheme. RO sustainability reporting requires generators to submit an annual report on their biomass feedstocks, to include the country of origin and any land use change since 30th November 2005. The RO legislation for GB and NI corresponds on this issue and the relevant provision in the RO for NI is Article 46(3)(k) of the Renewables Obligation Order (Northern Ireland) 2009 (as amended) (2009 No. 154)

(ii) Paragraph 1(5)

The definition of the term “energy crop” and the reference to plant crops planted after 31st December 1989 mirrors the definition of that term in the RO legislation for GB and NI - the definition of “energy crop” in the RO for NI is found in Article 2 of the Renewables Obligation Order (Northern Ireland) 2009 (as amended) (2009 No. 154). It is unclear why the date of 31st December 1989 was chosen to determine eligibility.

Please let me know if you would like to discuss this further and I look forward to hearing from you in relation to the further work request on this issue.

Regards

Alan

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